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SEP 22 2006

Remarks

The application has been amended to more clearly define the invention.

Reconsideration is respectively requested.

Claims 17-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,002,359 to Sayegh (hereafter "Sayegh"). Without making any admissions with respect to this ground for rejection, applicants have canceled Claims 17-20.

Claims 1, 4, 5, 8 and 9 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6, 600,108 to Mydur et al. (hereafter "Mydur et al."). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mydur et al. Claims 2, 3, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mydur et al. as applied to Claim 1 above, and further in view of Sayegh. Without making any admissions with respect to this ground for rejection, applicants have canceled Claims 1-9.

Claims 10-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mydur et al in view of Sayegh. This ground for rejection is traversed as follows:

Mydur et al. discloses a cable that includes an electrical conductor, a first insulating jacket disposed adjacent the electrical conductor and having a first relative permittivity, and a second insulating jacket disposed adjacent the first insulating jacket and having a second relative permittivity that is less than the first relative permittivity.

It also discloses a method that includes providing an electrical conductor, extruding a first insulating jacket having a first relative permittivity over the electrical conductor, and extruding a second insulating jacket having a second relative permittivity

over the electrical conductor, wherein the second relative permittivity is less than the first relative permittivity.

Saycgh discloses a polymer-insulated glass optical waveguide fiber cable that is buffered by an adhesively bound soft porous polytetrafluoroethylene taper layer to minimize stress on the glass fiber core and provide a low thermal expansion coefficient buffer and strong environmental protection."

Mydur et al. and Sayegh do not, if either considered together or individually, teach or suggest the specific cable that is recited in Claim 10, as amended, and Claims 15 and 16.

Due to the specific combination of elements and materials recited in Claim 10, as amended, applicants have produced an electro-optic cable which, surprisingly and unexpectedly, is durable under the adverse temperature, mechanical, electrical and other environmental conditions that are present in the case of towing a decoy from a high-performance military jet aircraft. In fact, this cable has even sustained passing through the after-burner plume of a jet engine installed in the U.S. Navy's F/A-18E/F aircraft. (See specification, page 4, lines 19-21.) A greater-than-expected result is an evidentiary factor pertinent to the legal conclusion of non-obviousness. In re Corkill, 771 F.2d 1496, 22 USPQ 105 (Fed. Cir. 1985).

There is also no suggestion in the cited reference that the various elements received in Claim 10 should be combined in the way now recited in that claim. Determination of obviousness cannot be based on hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention. ATD Corp. v. Lydall, Inc., 159 F.3d 534, 48 USPQ2d 1321 (Fed. Cir. 1998). Obviousness

cannot be established by combining the teachings of prior art references to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. Carella v. Starlight Archery, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986).

Furthermore, The Mydur et al. cable is used in the analysis of geologic formations. There is no indication that the Mydur et al. cable or the Sayegh cable would be useful in towing a decoy from an aircraft as is now recited in new Claim 21. There is also no indication that either of these prior art cables could withstand the temperatures of jet engine exhaust as is now recited in Claim 22.

It is believed that the application is now in condition for allowance. If the examiner believes that any matters are still at issue, he is requested to contact applicant's undersigned attorney.

Respectfully submitted,


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I hereby certify that this correspondence is being transmitted by facsimile (571) 273-8300 to Commissioner of Patents, Box 1450, Alexandria, VA 22313-1450 on September 22, 2006.

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9/22/06
Date of Signature